

BEFORE THE  
**Federal Communications Commission**  
 WASHINGTON, DC 20554

In the Matter of )  
 )  
 Implementation of Section 255 of the Telecom- )  
 munications Act of 1996 ) WT Docket No. 96-198  
 )  
 Access to Telecommunications Services, Tele- )  
 communications Equipment, and Customer )  
 Premise Equipment by Persons with Disabilities )

**REPLY COMMENTS  
 OF ARCH COMMUNICATIONS GROUP, INC.**

Arch Communications Group, Inc.<sup>1</sup> ("Arch"), hereby submits the following reply comments in the above-referenced proceeding.<sup>2</sup> Pursuant to the *NPRM*, these comments are also being filed electronically.<sup>3</sup>

**I. INTRODUCTION/STATEMENT OF POSITION**

Arch recognizes the importance of making paging and other telecommunications services accessible to persons with disabilities. To that end, Arch works with its equipment vendors to ensure that its equipment is accessible, at a reasonable price, to persons with disabilities. Arch requires its manufacturers to make available equipment models with options such as: (1) vibrate alert; (2) tone adjust; (3) silent alert; (4) large screen for easy reading; (5) clips and

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<sup>1</sup> Arch is a leading provider of paging services with over 3 million pagers currently in service. Arch operates in more than 40 states, and in 80 of the 100 largest markets in the United States.

<sup>2</sup> *Implementation of Section 255; Access to Telecommunications Services by Persons with Disabilities*, WT Docket No. 96-198, *Notice of Proposed Rulemaking*, FCC 98-55 (rel. April 20, 1998) ("*NPRM*").

<sup>3</sup> See *NPRM* at ¶¶ 183-85.

lanyards; and (6) backlighting. With equipment that meets such specifications, Arch can market its services and provide equipment that accommodates specialized needs to persons with disabilities.<sup>4</sup>

Nevertheless, it is important to note that making paging services accessible to persons with disabilities is a question of the particular functionalities available on the equipment used to provide customers with paging services. In essence, accessibility must be considered as part of the design and production processes of the pagers used by Arch's customers and, thus, is primarily a manufacturer's issue.<sup>5</sup>

Arch supports the numerous commenters in this proceeding who urge the Commission to implement Section 255 of the Telecommunications Act to ensure that service providers and manufacturers can work cooperatively with consumers and individuals with disabilities to provide all Americans with access to telecommunications equipment and services.<sup>6</sup> The Commission must also ensure, however, that the rules it develops are reasonable, both technically and economically. As discussed below, Arch submits that the Commission's "fast track" procedures do not meet this goal.

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<sup>4</sup> Indeed, as the Commission notes, there are approximately 54 million Americans with some form of disability. *Id.* at ¶ 1. Serving this market makes good business sense.

<sup>5</sup> In this regard, Arch agrees with AirTouch Communications, Inc. that the statutory definition of "manufacturer" to be the "final assembler," is appropriate provided that the distinction between "manufacturer" and "telecommunications carriers" is maintained. *See* AirTouch Comments at 5. Arch often sells pagers as part of a service package and may identify the pagers with its own name plate. This should not be construed to mean that Arch "manufactured" such equipment. *Id.*

<sup>6</sup> *See, e.g.,* Comments of AirTouch Communications, Inc. ("AirTouch") at 1-3; Comments of the Cellular Telecommunications Industry Association ("CTIA") at 1-3; Comments of GTE Service Corporation, etc. at 2-3; Comments of the Personal Communications Industry Association ("PCIA") at 4-5.

## II. THE PROPOSED “FAST TRACK” COMPLAINT PROCEEDINGS ARE UNREASONABLE

As numerous commenters point out, the Commission correctly concluded that “the plain language of the statute confers exclusive jurisdiction on the Commission and bars private rights of action.”<sup>7</sup> While Section 255 does not require special procedures, the Commission proposes to adopt new procedures to resolve complaints related to Section 255.<sup>8</sup> Unfortunately, the Commission’s proposed “fast track” procedures for Section 255 complaints are unreasonable and will not promote timely and efficient resolution of such complaints.

Of particular concern is the Commission’s proposal to require respondents to a complaint to submit a report to the Commission identifying possible accessibility solutions “five business days from the time [the Commission] forward[s] the complaint to the respondent.”<sup>9</sup> In short, the Commission expects respondents to receive a complaint, gather the relevant information, contact the complainant, develop a solution and report to the Commission all in five days.

Most commenters to this proceeding — including representatives of persons with disabilities — recognize that this timetable is totally unrealistic.<sup>10</sup> The access issues underlying a potential Section 255 complaint can be complex and are not necessarily susceptible to such

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<sup>7</sup> *NPRM* at ¶ 34.

<sup>8</sup> *Id.* at ¶ 124.

<sup>9</sup> *Id.* at ¶ 136.

<sup>10</sup> *See, e.g.*, CTIA Comments at 19-24; PCIA Comments at 13-14; Comments of Lucent Technologies 10-11; Comments of the Business Software Alliance at 12; Comments of June Isaacson Kailes at 5; Comments of Leo A. LaPointe at 2; Comments of the United Cerebral Palsy Associations at 12; Comments of Self Help for Hard of Hearing People, Inc. at 29; Comments of Telecommunications for the Deaf, Inc. at 25.

speedy resolution.<sup>11</sup> As the Commission has recognized, the issues will have to be evaluated and refined on a case-by-case basis and are likely to present practical difficulties due to the potential presence of multiple elements or providers associated with a given service.<sup>12</sup> These conditions clearly suggest that the proposed five day window is woefully inadequate and will lead to nothing more than unrealistic expectations on the part of customers.

Arch submits that rather than introduce new procedures under Section 255, the Commission should handle Section 255 complaints under its existing informal complaint rules. Nevertheless, should the Commission elect to adopt new procedures, Arch submits that the time in which carriers and/or manufacturers have to resolve a Section 255 complaint should be extended to at least 30 days.<sup>13</sup>

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<sup>11</sup> *NPRM* at ¶ 122.

<sup>12</sup> *Id.* at ¶¶ 51, 122.

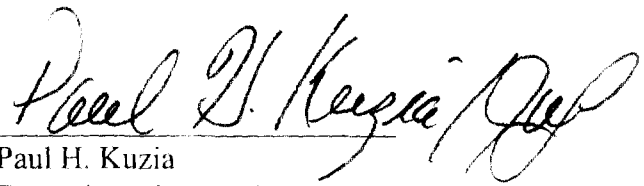
<sup>13</sup> *See* BellSouth Comments at 11; Bell Atlantic Comments at 9; Lucent Comments at 11.

**CONCLUSION**

Arch supports the Commission's initiative to implement Section 255 in a "practical and common sense manner." As discussed above, Arch believes that the Commission's proposed "fast track" procedures fail to meet this objective.

Respectfully submitted,

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Date: August 14, 1998

## CERTIFICATE OF SERVICE

I, Shelia L. Smith, hereby certify that on this 14th day of August 1998, copies of the foregoing Reply Comments were served on the following by hand:

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